

From San Francisco:  
Sierra ..... December 30  
For San Francisco:  
Tenjo Maru ..... December 30  
From Vancouver:  
Mouna ..... January 1  
For Vancouver:  
Manuka ..... January 20

# EVENING BULLETIN

3:30 EDITION

Gives Publicity That Pays Merchants

Merchants who talk about honest goods in an honest, interesting way, in the advertising columns of the BULLETIN, seldom have slack times.

ESTABLISHED 1882. NO. 4810.

10 PAGES.—HONOLULU, TERRITORY OF HAWAII, WEDNESDAY, DECEMBER 28, 1910.—10 PAGES.

PRICE 5 CENTS.

## FIGHTS GOVERNOR TAKES FLING AT KUHIO

### Attack Made On Condemnation

#### Attorneys for John A. Cummins Open Legal Battle Against Federal Proceedings

The first step in the legal battle that will be waged against the United States Government condemning the Fort street business property needed to enlarge the Mahukala site to an entire block, was taken this morning, when a demurrer to the condemnation proceedings was filed in the United States District Court by the attorneys for John A. Cummins and Kapeha M. Cummins.

The demurrer is simply a technical attack upon the condemnation papers as drawn up by United States District Attorney Breckons, claiming that a number of material allegations are absent and that consequently the proceedings as instituted can not be sustained.

The claim is made that the papers of condemnation do not allege the claim that the United States Government will "operate" the proposed building as a postoffice, custom house and other governmental offices when the same is completed.

It is also contended that the papers are defective because they do not allege that in the "opinion of the Secretary of the Treasury it is necessary to proceed by judicial process." The further ground is claimed because the complaint does not state specifically that the parties have been unable to agree upon the price.

It is stated that the demurrer filed in behalf of Cummins and his wife is simply the first of many that will be prepared by attorneys for other respondents named in the complaint of condemnation and who are preparing to make a determined effort before a jury to prevent the valuation of the Fort street property at \$350,000, the money now available in the United States Treasury.

### KUHIO MISREPRESENTED, SAYS FREAR IN DENYING THAT HIS ACTION BROUGHT COTTRILL

Governor Frear believes that his actions in connection with the abortive attempt locally to agree upon a man for Collector of Internal Revenue and to so recommend to Washington—has been willfully misrepresented by Kuhio.

In referring to the appointment of Cottrill this morning Governor Frear stated that he noticed a tendency in some quarters to shift the responsibility for the local disagreement and the appointment of Cottrill to his own shoulders. He mentioned Kuhio particularly as misrepresenting the circumstances and particularly those that resulted in the Republican Territorial Executive Committee finally recommending the appointment of Rothwell when it was learned that the appointment of Cottrill was an imminent danger.

"I did not send for the Chairman of the Republican Territorial Central Committee," stated the Governor this morning. "The Chairman came to me. His object was to secure some man whose name would be a compromise agreeable to all. Previously, I had suggested the name of Mr. Rothwell. The prince has stated that I refused to come in. He is the one that refused to come in and he has gone behind the facts in connection with my attitude in the matter."

### SCHOOLHOUSES NEED REPAIRS

#### Supervising Principal on Hawaii Reports Sad Conditions.

(Special Bulletin Correspondence.)  
HILLO, Dec. 24.—That many of the schoolhouses on this side of the island are in a very deplorable condition, even new work, which had been done during the last couple of years, being already dilapidated, is the report of Supervising Principal McClusky, who, since his appointment some months ago, has been traveling extensively in his district to learn the needs of the schools.

McClusky says that there are many schoolhouses where repairs of various kinds are needed. The Pohakulo schoolhouse, for instance, is, he states, in an absolutely dangerous condition and the sanitary arrangements are in several places so poor that the toilets used by the pupils are offensive to a degree. Furthermore, there are at several schools water tanks, which were erected during the past couple of years, which do not hold water, and what is more, have never held water, but have acted more as lawn sprinklers, according to McClusky.

### HATCH WAS A DECORATOR

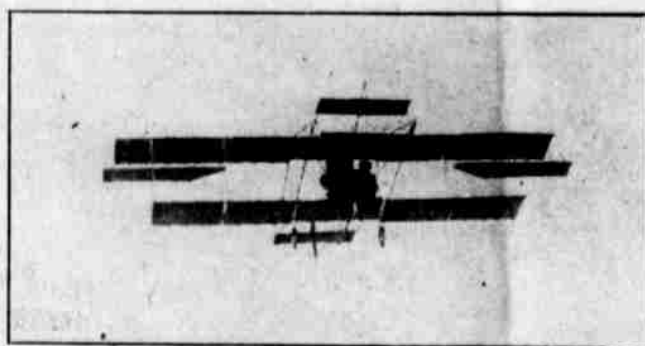
No decoration conceived by the old masters could line up in favorable comparison with the color scheme incorporated in the blackened eye displayed by Mrs. Charles Hatch, before a courtroom filled with attaches and loungers.

Mrs. Hatch was a complaining witness against her husband. She attributed the decoration of her eye to this source. Hatch was arraigned before Judge Lymer upon a charge of assault and battery upon his wife.

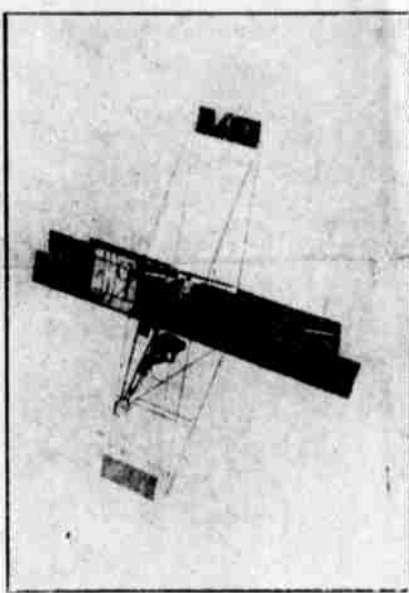
He denied the allegation and asked that he be given sufficient time to secure a brace on legal talent. He surveyed the long row of lumberjacks then present, who expound Blackstone in lower halls of justice, but the array of lawyers apparently did not look good to him and Hatch was sent below to think it over and then consult a directory in search of a defender. The Hatch family troubles will receive an airing on Friday morning if all goes well.

All forms of insurance are written by the Hawaiian Trust Company, Ltd., including fire, life, accident, surety, liability, marine and plate glass.

### Bird-Men In Daring Maneuvers Flirt With Death High In Air



Captain Baldwin carrying passenger in bi-plane.



Whipple Hall going up in the air after altitude record.

### ATTACK RUMORED YOUNG CAFE HAS ON AMERICAN IN DALNY 5TH CAVALRY MUSICIANS

(Associated Press Cable.)  
TOKIO, Japan, Dec. 28.—It is reported here that the Japanese and Chinese have assaulted the American vice-consul, Williamson, at Dalny. The Japanese government has taken steps to investigate the affair.

### MAY REFUSE TO SETTLE SUIT

(Associated Press Cable.)  
WASHINGTON, D. C., Dec. 28.—In view of new evidence, the government is likely to refuse the American Sugar Refining Company's offer of \$700,000 in settlement of the suits now pending against the company. It is felt that to accept the settlement might be a drawback in prosecuting fraud.

### HIGH FLIERS IN FATAL FALL

(Associated Press Cable.)  
ISSY, France, Dec. 28.—Aviator Les Mollieux and a passenger, Lefort, were killed today in a fall from an aeroplane in which Lefort was taking a ride.

**SUGAR**  
SAN FRANCISCO, Dec. 28.—Beets: 88 1/2 cts. 10 3-4 d.; par. 11. 3-8 cts. Previous quotation, 88 1/2-1-2 d.

### ATTACK RUMORED YOUNG CAFE HAS ON AMERICAN IN DALNY 5TH CAVALRY MUSICIANS

The celebrated harp orchestra of the Fifth Cavalry, under the direction of Mr. Robert Gooding, has consented to perform at the Alexander Young Cafe this evening from 6 to 8 o'clock, and every evening until Friday, terminating their engagement at the lunch hour on Saturday. The merits of these accomplished musicians are too well known to need any comment.

### DYNAMITE EXPLODES IN EL PASO SMELTER

(Special Bulletin Cable.)  
EL PASO, Tex., Dec. 28.—An accidental explosion of dynamite here today buried several workmen in the slag pit of a smelter.

### HAYTI AGREES TO ARBITRATE QUARREL

(Special Bulletin Cable.)  
WASHINGTON, D. C., Dec. 28.—Hayti has agreed to a joint boundary commission with Santo Domingo to settle the dispute now in progress.

### LANE CASE IS ON NEXT WEEK

The Lane case, which caused the split between City and County Attorney Cathcart and Attorney-General Lindsay, will not come before Circuit Judge Cooper again until he reconvenes court after the new year. (Continued on Page 6)

### M'CARTHY QUIT— AT OUTS WITH MAYOR

Democratic Chairman Made "Goat" for Office-Seekers.

POLITICIANS SLIGHT CAMPAIGN MANAGER

Get Him to Re-Enter Politics and Then Refuse to Co-operate After Election, He Says.

Another break in the ranks of the Democratic party in the City and County of Honolulu was made manifest last night when Col. C. J. McCarthy, chairman, handed in his resignation to the County Committee. The Committee accepted the resignation and Harry Juen was elected chairman.

Back of these simple details there is a story of growing alienation between Col. McCarthy and the Democratic city and county officials. Particularly, Col. McCarthy is sore at Mayor Fern and has determined to quit county politics until Fern and others show a different brand of gratitude and party loyalty than they have been showing lately.

Several weeks ago, when the elections were over, hungry Democratic office-seekers began to haunt Col. McCarthy and ask him what political jobs were to be given out. Thereupon the county chairman sent letters to Mayor Fern and Sheriff Jarrett, asking them what vacancies would be created by them at the beginning of their new terms of office.

After a good many days had elapsed Sheriff Jarrett dropped in one day and told McCarthy he would have no vacancies. However, Mayor Fern has never notified McCarthy of the receipt of his letter. On the contrary, Fern has been getting rid of persistent office-seekers by sending them to McCarthy.

With no jobs to give out, and no response to his request for information, the Colonel says he has been bothered day after day by men the city and county officials should take care of.

Col. McCarthy waited until 5 o'clock last evening for Fern to confer with him and then filed his resignation. The committee met last night intending to endorse candidates for various jobs, but after chewing the rag awhile, postponed it because they were not sure there are jobs to be filled. There is a rumor that Jarrett and Fern may make some vacancies, but neither has definitely committed himself on this point.

Col. McCarthy, after quitting politics over the immigration plank that Link McCandless drafted into the Democratic platform, was dragged back in by the entreaties of the Oahu Democrats to run the local campaign. It will be hard to draw him in again.

### SHRINER PARTY WAITING LIST

Already a waiting list has been formed for the Shriner party that is to come to Honolulu in February on board the chartered Wilhelmina. Letters received by the last mail tell of the steamer having been booked full and those coming later have to take the chance of some of the early ones dropping out.

Twelve of those booked have arranged to bring their automobiles, so there is certain to be a large addition to the number of autos in the city on the day of the Floral parade, whether all are decorated or not.

### Local Harbor To Be Enlarged

#### Major Winslow Recommends Large Appropriation After Next Fiscal Year

With the passage by the House on December 16 of the Rivers and Harbors Bill, there was appropriated for the work of Hilo harbor the sum of \$250,000 for the next fiscal year, with the promise of \$250,000 more for the following year, and the sum of \$150,000 for continuing the work at Kahului harbor.

There was no appropriation for any work to be done in the harbor at Honolulu, and when the present dredging work has been completed there will be no money available for further work until after June 30, 1912.

The appropriations for Hawaii are the last two appropriations named in the bill and read:

"Improving Harbor at Hilo, Hawaii—Continuing improvement, two hundred and fifty thousand dollars; Provided, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate two hundred and fifty thousand dollars, exclusive of the amounts herein and heretofore provided.

"Improving Kahului harbor, Hawaii—Continuing improvement, one hundred and fifty thousand dollars."

There is now available to be expended at Hilo the sum of \$200,000, appropriated on June 25, which is large being expended on the contract

### ANOTHER PURE-FOOD BILL TO BE BROUGHT UP; NEW BOARD TO DISCUSS MEASURE

An attempt to secure the passage of another "pure-food bill" will be made by county and Territorial health officials when the new Board of Supervisors takes its seat next month. The new ordinance will be drafted in an effort to secure a measure that will protect foodstuffs exposed for sale and at the same time will not be made the subject of attack by attorneys for the fruit-vendors and fishermen.

The retiring Board of Supervisors effectually killed the "fly-screen ordinance" by sustaining the mayor's action in vetoing it, but City Physician Mackall and Food Commissioner Blanchard are already considering a bill that will not have the objections raised to the last one. The principal objections that seemed to have weight with the supervisors were based on the grounds of unnecessary expense in installing screens that would not be effective in preventing contamination.

It is probable that when the new bill is drawn it will be after a conference of health officials and attorneys representing the food sellers at the King street market and elsewhere, so that the position of the merchants who will be affected by the ordinance may be understood and considered before the bill is incorporated into law. In fact, Attorney A. L. C. Atkinson, who appeared against the "fly-screen" ordinance, has already offered to cooperate with public officials in the preparation of the new bill. At any rate, one of the matters that will be brought early to the attention of the new board is the very thing that the old board has just sat down upon.

The "McCrosby bills" will be the main topic of discussion this afternoon at a meeting of the Merchants' Association to be held in the headquarters at 2 o'clock. This morning the sentiment of a number of members seemed to indicate that the association will go on record as opposed to both bills, thus taking the same action as the Chamber of Commerce.

### MERCHANTS TO DISCUSS BILLS

The McCrosby bills have come in for widespread condemnation since their nature has been understood, and a protest by the Merchants' Association at this time would be sent to Congress, where both bills are pending.

Several other matters of public interest may be brought up today.

### TURKS WIN BATTLE WITH THE BEDOUINS

(Associated Press Cable.)  
CONSTANTINOPLE, Turkey, Dec. 28.—The Turks have defeated the Bedouins in a pitched battle at El Karak, killing 450 and taking 600 prisoners. The Turks lost 24 in the fight.